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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-first session

PROVISIONAL SUMMARY RECORD OF THE 943rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 5 August 1992, at 3.p.m.

Chairman: Mr. VALENCIA RODRIGUEZ

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)

Fifth and sixth periodic reports of Bangladesh (CERD/C/192/Add.3) (continued)

1. Mr. YUTZIS, country rapporteur for Bangladesh, continuing the statement he had begun at the end of the previous meeting, said he wished to deal with questions relating to implementation of article 5, paragraph (c), of the Convention. In that connection, it was important that paragraph 9 of the report (CERD/C/192/Add.3) should be seen in its historical context: it was in 1900 that the British had enacted a special administrative regulation designed to protect the interests of the tribal peoples of the Chittagong Hill Tracts, referred to in that paragraph. According to his information, however, that regulation - which provided a measure of protection, notably in regard to land ownership - was not really being applied. The district councils set up under Act No. 89 would appear to guarantee some representation for the ethnic groups of the region. However, that in no way ruled out conflicts of interest, since Bengalis were also represented alongside the various tribal communities, and problems tended to arise between the one and the other, notably in regard to land ownership. That was an extremely delicate and very specific situation, the solution to which was in the hands of the regional authorities.

2. It should be noted that Act No. 89 concerning district councils had no constitutional basis, and could be repealed at any time. In any event, the jurisdiction of the district councils - which included Bengalis - covered only 10 per cent of the land, and according to his information, a substantial part of the land in the region had been placed under military control. Reports indicated that elections to the district councils had taken place under pressure from the military.

3. He would therefore be glad if the delegation of Bangladesh would clarify whether the special regulation of 1900 was actually being applied, what was the reason for the arrival of Bengalis in the Chittagong Hill Tracts, and whether ethnic groups in the region were being effectively protected. According to reliable sources, it would appear that the Government had claimed that the regulation in question was not in force, since it had not been published in the Official Gazette. That was an extremely important question, and an answer should be provided as soon as possible.

4. In regard to article 5, paragraphs (a) and (b), and article 6 of the Convention, information received from various sources seemed to show that there had been occurrences of very long-term arbitrary detention, involving, in particular, one of the founder members of the People's Council of the Chittagong Hill Tracts, who had been held for a year without charge and without his case being investigated, before being released by decision of the Supreme Court. It would therefore appear that the legal system was not guaranteeing adequate protection for the minorities of the Chittagong Hill Tracts. In August 1991, a number of people had been imprisoned without trial and without being told the reasons for their detention. It was alleged that, in May 1991, the Fifth Bengal Regiment, while searching for members of the Shanti Bahini in the region, had assaulted at least 17 civilians; one case of a person found dead and mutilated and several cases of torture had been reported between April and June 1991. According to reports by Amnesty International and the Anti-Slavery Society, the army had allegedly tortured or assaulted civilians during that period. It was claimed that in October 1991 women had been raped, houses destroyed and Buddist temples desecrated. Most of those actions would appear to have been committed in the course of counter-insurgency operations.

5. With reference to article 5, paragraphs (d) (vii) and (viii), of the Convention, there had been recent cases in which reports or magazines dealing with the question of the Chittagong Hill Tracts had been seized. It was also a matter for concern that a number of publications had reported attempts forcibly to convert the inhabitants of the region to the official religion of Bangladesh.

6. Forced population transfers in the Chittagong Hill Tracts had been reported for some considerable time. The modernization process admittedly called for some changes in farming methods in the interests of development, but that in no way justified the transfer of entire population groups with a view to replacing food crops by large plantations, which would profit private interests but would not necessarily benefit the minorities living in the region.

7. It followed that there were a series of unsolved problems in Bangladesh which were not covered in the report. He requested the delegation of Bangladesh to confirm or deny the reports he had just mentioned in regard to

the Chittagong Hill Tracts, to state whether a distinction could be made between the problems posed by armed struggle and respect for civilian populations, and to indicate how far the process of militarizing the region was to go, to what point a colonization policy directly harmful to the inhabitants was to be pursued, how long the forced resettlements imposed on the latter were to continue, what measures the Government intended to take to protect the ethnic groups of the region and to ensure that their holy places, their heritage and culture were respected, and lastly, what were to be the powers of the district councils, and when was the regulation of 1900 referred to in paragraph 9 of the report to come into force.

8. The Committee's mandate was to monitor implementation of the Convention; as a member of the Committee, despite the respect in which he held Bangladesh, he felt bound to state that that country was not fulfilling the obligations it had assumed in ratifying that instrument. He was well aware of the complexity of the situation in the country, but hoped that in a subsequent report the Government of Bangladesh would supply information enabling the Committee to conclude that the rights and interests - indeed, the lives - of the inhabitants of the Chittagong Hill Tracts were being respected.

9. Mrs. SADIQ ALI said that in view of the remarkable account just given by Mr. Yutzis of the situation in Bangladesh, she would confine herself to only a few questions. Bangladesh's recent return to democracy was encouraging, and raised hopes that a number of problems could now be solved - although the military was always in the background and intervention on its part could not be completely ruled out.

10. A new exodus of refugees from the Chittagong Hill Tracts had begun that year, following the Longang massacre. The Prime Minister, during her visit in May 1992, had been handed a memorandum calling for a political solution to the problems of the region, respect for the land rights of its inhabitants, dissolution of the district councils, rehabilitation of the 60,000 refugees who had fled the country, creation of a safe environment for the hill people and the setting up of a judicial commission to investigate the Longang massacre. Was any political solution to that 16-year-old problem in sight?

11. In regard to implementation of article 3 of the Convention, the Government of Bangladesh had never denied the existence of cluster camps practising "collective farming"; local authorities had even indicated that the

collective farms had a two-fold objective: to cut communications between the indigenous Jumma people and the Shanti Bahini forces, and to ensure the future rehabilitation of repatriated refugees. They had indicated that in some areas all returning refugees had been interned in cluster camps for "civilizing" and protection purposes. According to the Chittagong Hill Tracts Students' Council, those living in such camps were subject to very severe restrictions and could not travel without permission. The movements of Jumma villagers were controlled by the military, who had the power to cut them off from essentials such as medicines, clothing and food. There were said to be about 50 such camps in the Chittagong Hill Tracts. In addition to internment, government policy aimed to convert the Jummas to the Islamic faith; as part of an assimilation policy, military personnel were often encouraged to marry Jumma girls.

12. Article 5, paragraph (d) (v), of the Convention dealt with the right to own property. The introduction of 300,000 Bengali settlers from other parts of the country had led to massive violations of the property rights of the hill people; there had been cases of illegal take-overs of land without compensation or resettlement of the persons affected. Colonization of the area should be halted, the many Bengali settlers who had expressed a wish to leave should be given the opportunity to resettle elsewhere, and the land occupied should be restored to the tribal populations: what was the policy of the new democratic Government in that regard, notably concerning the Vested Property Act, under which land owned by tribal populations and Hindus could be taken over by the Government? President Evshad had announced that property seized from the Mandis under the Act would be restored to them, but following his resignation in 1990, the restoration process had been halted. In view of the fact that the Act had been used to violate the rights of minorities, were there any plans to repeal it?

13. With regard to the right to freedom of opinion and expression enshrined in article 5, paragraph (d) (viii), of the Convention, a fact-finding mission had visited the Chittagong Hill Tracts, in November 1990. The official report published after that mission spoke of countless cases of gross human rights violations and acts of oppression perpetrated against the 12 Buddhist, Hindu and Christian tribal communities who lived there. In that report, the Government was accused of continuing to persecute those populations. The

report had been suppressed, and the police had also seized a large number of copies of reports of the international human rights commission. The Chairman of the fact-finding mission had urged the Government of Bangladesh not to persist in suppressing the report, since to do so would be tantamount to a grave violation of the basic rights of freedom of expression and access to information.

14. Lastly, in regard to article 5, paragraph (e), of the Convention, she would like to know whether the share-cropping system, under which half of the crops went to the landowner, was to be ended and agrarian reforms introduced.

15. Mr. DIACONU said that after reading the report and listening to the statements by the representative of Bangladesh and by the country rapporteur, he was puzzled at what appeared to be two different versions of the situation in Bangladesh. The country, which had 100 million inhabitants, was extremely poor, and it was important to take due account of the development effort currently being made. The report had some encouraging features, for example, the statement that posts in the administration had been reserved for certain ethnic groups, and that a quota system had been introduced for access to education, a policy which amounted to positive discrimination towards disadvantaged sectors of the population - although such discrimination was of course only a stage along the road to full equality. Another encouraging sign was that more schools for minority communities had been opened; similarly, economic planning continued to favour disadvantaged regions.

16. Other points made in the report were less clear. Concerning article 4 of the Convention, it was stated that the authorities had not considered it necessary to adopt measures penalizing racist propaganda, and that in cases of incitement to racial or ethnic discrimination, the criminal law applied, though there was no indication of which provisions of the criminal law would be applicable in such cases, or how they would be put into effect.

17. The information on the implementation of article 5 of the Convention was still far too vague. A number of laws were referred to in regard to freedom of religion, but no actual facts were supplied about the religions practised in Bangladesh, the relationship between them, the existence or otherwise of a State religion, or the attitude of the State towards all those religions.

18. According to paragraph 25 of the report, every citizen had the right to Bangladesh nationality, a statement that was difficult to understand. Did not a citizen, by definition, have the nationality of his country? The phrase certainly called for clarification. While he did not know whether there were any groups or organizations advocating racial discrimination in Bangladesh, previous speakers had described discriminatory activities in regard to this or that minority: if that was the situation, what measures was the Government taking to punish those responsible?

19. In conclusion, he said that he fully appreciated the efforts being made by Bangladesh and the problems it faced in emerging from underdevelopment and guaranteeing a minimum of social order. He nevertheless hoped that as a result of the dialogue initiated with the Committee, the country's problems in the area of racial discrimination might be overcome.

20. Mr. SONG Shuhua thanked the representative of Bangladesh for his introduction of the report and the country rapporteur for his interesting analysis. Some pertinent questions had been raised, and he would like to add a few of his own.

21. First, it was stated that the Chittagong Hill Tracts had some 800,000 inhabitants, 500,000 of whom belonged to tribal minorities; it would be useful to know the exact numbers of those different minorities, their level of education, etc. It was stated in paragraph 11 of the report that a great deal had been done to develop the region and that the hill districts were now more developed than those of the plains; it would be useful to know in what way that was so. Mention was made in another paragraph of more backward regions: were they the districts of the plain or other areas of the country?

22. It was further stated that steps had been taken to facilitate the hill people's access to higher education: what had been done to ensure that such students received training of a high standard? It was stated in paragraph 12 of the report that the conditions of access to employment had been relaxed for the minorities of the Chittagong Hill Tracts, notably in regard to age limits; what was the Government's policy on the matter of child labour? Lastly, with regard to government posts, it would be useful to know how many posts were held by inhabitants of the regions concerned and what percentage of members of parliament and occupants of senior posts came from the Chittagong Hill Tracts.

23. Mr. de GOUTTES fully supported the views expressed by Mr. Yutzis and the comments made by other members. While he agreed that Bangladesh was a very poor country, which was fighting courageously for democracy and against underdevelopment, he had been struck by the omissions in the report under consideration, notably in regard to the discrimination, and even violence, suffered by the minority tribes.

24. A further omission concerned the implementation of the Convention in domestic law. In that regard, the report of Bangladesh contained some faulty reasoning. It was first stated in paragraph 8 that the Convention was not directly enforced in domestic law, but it was later stated in paragraph 18 that Bangladesh had not considered it necessary to adopt specific laws in that connection, since the criminal law was considered adequate. In fact, the provisions of criminal law quoted in paragraph 42 made no reference to acts of a discriminatory, racist or ethnic character. If those were the only provisions of the Penal Code corresponding to the requirements of the Convention, it had to be concluded that the Convention had not been made applicable in domestic law.

25. Mr. BANTON requested the representative of Bangladesh to study the list of written questions he had given him, and to take them into account in his replies. It would appear, for example, that the question concerning the Vested and Non-Resident Property (Administration) Act of 1974 had never been raised, and he would like to know what was the current situation in regard to the abuses that might result from the Act. It would also be useful to know the exact meaning of the claim in paragraph 42 of the report that "adequate legal provision for seeking justice is available under the ... Acts".

26. Mr. FERRERO COSTA pointed out that reports should not only list relevant provisions of domestic law, but should also explain how those provisions were implemented in practice. In view of the importance of the question of the situation of minorities in the Chittagong Hill Tracts, Bangladesh should give detailed replies to the questions raised on the matter.

27. He would confine himself to five comments, which were applicable to other countries as well as Bangladesh. First, while Bangladesh was undeniably encountering special difficulties, those difficulties in no way justified the perpetration of acts of racial discrimination, and did not preclude the Committee from making observations and recommendations with regard to that

country. Secondly, while it was important to have information on minorities, general information was also needed on the various regions and races in the country mentioned in paragraph 9 of the report. Thirdly, the fact that ethnic minorities in Bangladesh represented only a small proportion of the total population did not mean that the country could evade its responsibility for taking measures to guarantee their protection. Fourthly, the statement in regard to article 4 of the Convention that the authorities in Bangladesh had not considered it necessary to take any specific measures was unacceptable. Lastly, the Committee was also unable to accept claims as general and vague as those made in paragraphs 1 and 49 of the report, to the effect that racial discrimination was unknown in the country.

28. Mr. van BOVEN said he appreciated the enormous difficulties faced by a country like Bangladesh, which not only suffered from poverty but was also subject to repeated and severe natural disasters. He nevertheless considered that the Committee should apply the same criteria to such countries as it did to others, since the idea that the inhabitants of poor countries might have fewer rights than those of rich countries was unacceptable where human rights were concerned. He pointed out to the representative of Bangladesh that, under the Convention, questions concerning tribal or indigenous populations also came within the Committee's terms of reference. In his view, members of the Committee would help to make the dialogue with States parties more effective by putting their questions in writing, as had been done by Mr. Banton.

29. In conclusion, he would like to raise the important question of forced population transfers. Population transfers occurred in many regions and for a number of reasons. Bangladesh, for its part, was subject to considerable demographic pressures. It would nevertheless be useful to know what the Government's policy was in that regard, whether the populations concerned were consulted, whether any compensation measures were planned, and lastly, what could be done to avoid such transfers.

30. Mr. LECHUGA HEVIA said he would first like to know why the inhabitants of the Chittagong Hill Tracts were not subject to the same administrative regulations as the rest of the population. While he agreed that the economic situation of developing countries did not justify either discrimination or

acts of violence against certain population groups, he nevertheless believed that that situation should be taken into account when considering the level of resources available in different countries to meet the population's needs.

31. In reply to an invitation from the CHAIRMAN to reply to the questions and comments of Committee members, Mr. KARIM (Bangladesh) said that he was not for the moment in a position to respond to all the questions raised.

32. The CHAIRMAN proposed that the representative of Bangladesh should be asked to transmit to his Government the questions and observations made during the discussion with a request that the desired information should be provided in its next report.

33. Mr. van BOVEN said that while he understood the difficulties of Bangladesh, he feared that if that country's replies were postponed until the next report, all the benefits of the dialogue that had been initiated would be lost. Why could not the representative of Bangladesh make his statement later in the current session?

34. Mr. FERRERO COSTA pointed out that the Committee's objective was to maintain an effective dialogue with States parties. He considered that the best solution would be to allow the representative of Bangladesh one further day, to enable him to prepare his statement. Replies to questions left pending could be given in the next report.

35. Mr. WOLFRUM said he understood that the representative of Bangladesh might not be able to reply immediately to questions raised, but he believed it would be preferable for the Committee, rather than waiting for the next report, to request Bangladesh to provide the information requested within one year, in accordance with article 9, paragraph 1, of the Convention.

36. Mr. LAMPTEY said the Committee could not force the representative of Bangladesh to respond immediately to its questions. Some States were not even represented at the meetings which concerned them. A very large number of questions had been asked, some of which were of a political nature and would require consultation with the Government. If the representative of Bangladesh could not reply the following day, his country would be able to do so in a year or two's time, which would not prevent continuation of the dialogue.

37. Mr. ABOUL-NASR said the Committee had perhaps gone too far in its questions to the representative of Bangladesh. While the Committee was entitled to ask any questions it wished, provided it revealed its sources, he

did not believe it was entitled to pass judgements or to make accusations, as had been done in accusing Bangladesh of State terrorism. The Committee was not a court of law. Bangladesh should be given the opportunity of replying to those questions and accusations, whether it was immediately, the following day, or in the next report; it was for Bangladesh to decide when would be most appropriate.

38. Mr. SHAHI suggested that the representative of Bangladesh should be asked when he believed he would be in a position to reply to the questions raised, and proposed that he should be given time to consult his Government and obtain the information requested. However, the time allowed should not exceed one year, for the reasons given by Mr. van Boven. He pointed out that the country rapporteur for Bangladesh had, in fact, indicated which documents he had used as a basis for his questions.

39. Mr. AHMADU thought that if the Committee's consideration of the reports of States parties was to be improved, it would be better to abandon the system of country rapporteurs. That system did not in fact, reduce the number of questions from members of the Committee. In addition, the Committee ought not to turn itself into a court of law, despite a tendency to do so that he had observed with regret since he had become a member in 1985. Delegations of States parties, particularly those from third world countries, were intimidated, and representatives of those States in Geneva were unable in many cases to reply to questions. Only the foreign minister or the attorney general would be in a position to give the explanations required.

40. Mr. FERRERO COSTA said that while the Committee was not, of course, a court of law, neither ought it to become a forum for diplomatic negotiations. In his view, the system of country rapporteurs had led to a definite improvement in the Committee's work. As far as the representative of Bangladesh was concerned, he was free not to reply to questions raised, but the Committee, for its part, should not evade any of the stages of its procedure.

41. Mr. SONG Shuhua pointed out that the Committee was a body intended for dialogue, not for confrontation. The delegation of Bangladesh was entitled to decide when it wished to reply. The Committee, for its part, could ask for clarification if there were any points that were not clear to it, but without making accusations.

42. Mr. de GOUTTES said that the representative of Bangladesh had not been provided with sufficient information by his Government. However, that situation ought not to create a precedent, and States ought not to feel free to reply whenever they wished: that would run counter to the measures taken by the Committee to strengthen its capacity for action. He reminded the Committee that it had taken steps enabling it to consider the situation in States parties which had not submitted reports. According to one of its own recommendations, it deemed itself empowered to take account of any source of information when considering a given situation. In addition, the intent of another of its recommendations had been to strengthen the independence of its members. In the present case, the Committee ought not to be content with receiving no reply, even if the representative was entitled not to produce one. As far as possible, the information requested should be provided before the next written report.

43. Mr. YUTZIS, speaking as country rapporteur for Bangladesh, said thought should be given, on the one hand, to the Committee's position in regard to the decision of the representative of Bangladesh, and on the other hand, to the differences of opinion within the Committee on a situation of that kind. Human rights necessarily implied interference in the affairs of States. For his own part, he had cited his sources of information, and would be willing to repeat them for the benefit of the delegation of Bangladesh and the Committee. Those sources had referred to a massacre of over 200 women, children and old men. The least that could be done was to check the truth of that allegation. In such a situation, which concerned the right of minorities, it was essential that the Committee should be in a position to reach a decision on the basis of the procedures it had adopted. If that was to be done, the reply of the State concerned should be provided as speedily as possible.

44. Mr. KARIM (Bangladesh) said he would reply to the questions of the country rapporteur at a later stage. With reference to observations of another member of the Committee, who had referred to such matters as terrorism and the take-over of indigenous lands, he pointed out that, under article 9 of the Convention, the Committee was required to examine the reports of States parties, not extraneous information.

45. The CHAIRMAN said it was unfortunate that the Committee could not be given immediate replies. He hoped that replies could be furnished quickly, so that the Committee could accomplish its task.

46. Mr. YUTZIS, speaking as country rapporteur for Bangladesh, asked whether the concluding observations normally adopted by the Committee following consideration of a report would on this occasion have to be left pending until such time as the Government's replies were received.

47. The CHAIRMAN proposed that if replies were submitted by Bangladesh in the course of the session, perhaps by the following week, the Committee should draft its concluding observations on that basis. Otherwise, it might adopt a different procedure and base itself on a text by Mr. Yutzis.

48. It was so decided.

49. Mr. Karim (Bangladesh) withdrew.

Eleventh periodic report of Ghana (CERD/C/197/Add.7)

50. At the invitation of the Chairman, Mr. Amoo-Gottfried and Mr. Blavo (Ghana) took places at the Committee table.

51. Mr. AMOO-GOTTFRIED (Ghana), introducing his country's eleventh periodic report (CERD/C/197/Add.7), said that since the report had been prepared, fundamental changes had taken place and were continuing to take place in Ghana. It would perhaps have been better if a more up-to-date report had been presented, but since the Committee had already arranged its schedule, he had decided as a courtesy to the Committee to appear before it to introduce the present report and to provide some additional information.

52. The last census in Ghana, which dated from March 1984, had shown a total population of 12.2 million, about half of whom were under 14 years of age. The annual growth rate was 2.6 per cent, and the average population density 50 inhabitants to the square kilometre. Subsequently, the Ghana Statistical Service had estimated that in 1990 the population had been over 14.5 million. That population was concentrated in the southern administrative regions: Greater Accra, Western, Central, Eastern, Ashanti and Brong-Ahafo. The other regions - Northern, Upper East, Upper West and Volta - were sparsely populated. If the current rate of growth continued, the population of Ghana was expected to reach 19.2 million by the year 2000. In 1984, the population figures for the main urban centres had been: Accra (capital) - 859,640, Kumasi - 399,312, Tema - 180,649, Sekondi-Takoradi - 176,498, and Tamale - 136,828.

53. In ethnic terms the population was homogeneous, but included groups such as the Akans, the Guans, the Ewes, the Gas, the Dagombas, the Walas, and the Frafras. The major languages were Twi, Fante, Ga, Hausa, Dagbani, Ewe and Nzema. All Governments of Ghana had been concerned to downplay ethnic differences and to forge national integration. Ethnic data were not included in population statistics, and for a number of years had been banned from official documentation. The official language spoken throughout the country was English.

54. With regard to education, there were numerous technical, secondary, commercial and vocational institutions scattered throughout the country, and three universities: the University of Accra, the University of Cape Coast, and the University of Science and Technology in Kumasi, as well as a number of other specialized higher institutions. It had recently been announced that a fourth university was to be opened in Tamale, in the northern region.

55. In regard to health, reasonably good services existed throughout the country. All regional capitals and most districts had hospitals and clinics, and there were teaching hospitals in Accra and Kumasi. In addition, there were clinics operated by religious organizations and private practitioners all over the country. Herbal medicine also played a role, and there was a Government Herbal Medicine Hospital and Research Centre in Akwapim-Mampong.

56. The population of Ghana was made up of Christians both of the orthodox and Pentecostal faiths (approximately 43 per cent), followers of traditional religions (38 per cent), and Muslims (12 per cent).

57. With a view to achieving the democratic objectives of the Provisional National Defence Council of Ghana, officials of the National Commission on Democracy had undertaken an extensive tour of the country in 1990, in order to invite the views of the population on the future constitution. The report compiled following that tour had been referred to a committee of constitutional experts, which had then made its proposals to the Consultative Assembly. The draft constitution prepared by the Consultative Assembly had been adopted by an overwhelming majority in a referendum on 28 April 1992. The ban on political parties had been lifted on 18 May 1992, and since that date numerous political parties had appeared; thus far, five of them had been registered with the Interim Electoral Commission. Registration enabled the parties to

organize campaigns and to hold political rallies. The presidential and parliamentary elections were to be held in November and December 1992 respectively.

58. The new Constitution was to enter into force on 7 January 1993, the date on which the Fourth Republic would come into being. That Constitution contained extensive provisions on the enjoyment without discrimination of all the fundamental rights enshrined in the Universal Declaration of Human Rights, as well as in the Covenants and other human rights instruments. In addition, a review process was now under way designed to bring all Ghanaian law into line with the provisions of the new Constitution; where there were any gaps, the first parliament of the Fourth Republic would introduce the necessary legislation. The Committee's comments would be taken into account in that connection. The next report of Ghana would include the relevant provisions - constitutional, legislative or administrative - concerning the elimination of racial discrimination in all its forms.

59. In addition, the 1992 Political Parties Law prohibited the formation of political parties on an ethnic, regional or religious basis. Such parties could be registered only if their statutes and regulations were in conformity with the principles of the new Constitution.

60. Article 17.2 of the Constitution laid down that no one should be discriminated against on grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status. Chapter 5 of that instrument contained human rights provisions designed to guarantee equality and protection from discrimination. One of the guiding principles of chapter 6 was the promotion of just and reasonable access by all citizens to public services.

61. Under section 9 of the Political Parties Law, the Interim Electoral Commission could refuse to register a party unless it was represented in all the regions of Ghana and organized in at least two thirds of the districts in every region. In addition, it could refuse to register a party if its name, emblem or any other symbol had an ethnic, regional or religious connotation, or gave the impression that its activities were confined to one part of Ghana.

62. A law had recently been enacted setting up a National Media Commission which would be responsible for ensuring that both the private and public media were free, independent and accountable, in the belief that a vigilant and responsible press was a prerequisite for the success of democracy.

63. In December 1991 the Government of the Provisional and National Defence Council had amnestied some 1,000 prisoners. In a spirit of reconciliation, the State security agencies had been instructed to review the cases of all persons in custody on grounds of offences against State security. Subsequently, charges against 17 prisoners had been dropped.

64. He assured the Committee that all forms of racial discrimination as defined in article 1 of the Convention had always been repudiated by the people and Governments of Ghana. Nevertheless, a change in circumstances could well trigger such discrimination anywhere in the world, and accordingly Ghana remained vigilant. The country had condemned oppression based on race, wherever it existed, in the appropriate United Nations forums, and had called for strong measures against countries which practised racial discrimination. Ghana's opposition to apartheid was well known. In recent months, Mr. Nelson Mandela and Mr. Oliver Tambo, current and past Presidents of the African National Congress (ANC), had visited Ghana. The Government had also recently played host to Mr. Makwetu, President of the Pan-Africanist Congress (PAC), as well as to President Nujoma of Namibia.

65. In conclusion, he assured the Committee that his delegation would see to it that the next report was more detailed and informative and that his Government would take careful note of the Committee's observations when preparing it.

66. Mr. LECHUGA HEVIA, speaking as country rapporteur for Ghana, thanked the Ghanaian delegation for having supplied additional information, which should help the Committee to form a clearer picture of the situation in Ghana and of the way the provisions of the Convention were being implemented. He noted that the information contained in the tenth and eleventh periodic reports of Ghana (CERD/C/197/Add.7) was now outdated. Ghana had in fact acquired a new Constitution, which would enter into force in January 1993. In that connection, it would be useful for the Committee to be provided with the text. Ghana was also planning to hold presidential and parliamentary elections, and was returning to a multi-party system, on which it was to be congratulated.

67. The report listed certain laws, such as the 1957 Avoidance of Discrimination Act, which prohibited organizations from engaging in tribal, regional, racial or religious propaganda to the detriment of any other

community or from securing the election of persons on account of their tribal, regional or religious affiliations or for other purposes connected therewith, and which made it an offence for any organization whose membership was substantially restricted to any one community to have as one of its objects the exposure of any other organization to hatred, contempt or ridicule on account of its community or religion; the same Act also made it an offence for any political party to use, or permit to be used, any symbol or name which could be identified with any particular community or religious faith. The report also referred to Provisional National Defence Council Establishment Proclamation Law No. 42 of 1982, which required that respect for fundamental human rights and for the dignity of the human person were to be cultivated among all sections of society, and that national integration was to be encouraged, while discrimination on grounds of ethnic origin was to be discouraged. That being said, however, the report did not state whether those laws were still in force or whether they were to be amended, and it would be useful to have information on that point.

68. The report also indicated that the provisions of the Convention had been incorporated into local laws, without specifying whether they had been incorporated into legislation generally. It further referred to a 1984 law on prohibited organizations which appeared to be confined to the Bawku district, and he would like to know whether that law was also applicable in the rest of the country.

69. With regard to the struggle against apartheid in South Africa, it should be noted that Ghana's attitude had always been in keeping with both the letter and spirit of the Convention.

70. On education, an act of 1961 stipulated that no person should be refused admission to a school as a result of his religion, nationality, race or language, or that of his parents, and laid down that education was to be free of charge.

71. He noted, however, that the report was not in conformity with the Committee's guidelines. For example, it gave no information on the demographic composition of the population or on the latest census. The last report submitted by Ghana to the Committee on the Elimination of Discrimination Against Women had contained more recent data on the composition of the population, the number of languages spoken in the country, the demographic

composition of the various ethnic groups, and the legal system in Ghana, as well as on the various kinds of courts that existed. That report had indicated that women did not enjoy the same opportunities as men, which would not appear to constitute racial discrimination, since the same situation prevailed in all the ethnic groups in the country. It would seem that Ghana was currently planning to amend its civil and administrative codes, as well as those provisions of the Penal Code which discriminated against women. It would be useful if Ghana could inform the Committee in its next report of any legislative developments affecting the status of women.

72. The Committee would also be glad to have data on infant mortality according to ethnic group, as well as data on employment and on education programmes. In that connection, a Ghanaian paper, the People's Daily Graphic, had reported on 11 June 1992 that the Minister of Education had made arrangements for papers in rural areas to be published in 15 local languages as part of an adult literacy programme, and that 3 libraries had been set up in each district to enable persons who had completed adult literacy courses to continue their education. The paper had also referred to ethnic conflicts in the north of the country, and he would appreciate information on that subject.

73. In conclusion, he considered that, in view of the changes that had taken place in the country, the Committee should be provided with fuller information to enable it to make specific recommendations.

74. Mr. YUTZIS thanked the Ghanaian delegation for its introduction to his country's report. The further details supplied were evidence of the Government's willingness to continue its dialogue with the Committee.

75. He had gathered from the report and from other sources of information, such as the press, that Ghana was endeavouring to acquire a national identity. In paragraph 6, for example, it was stated that national integration was to be encouraged. In addition, there were laws on the subject, such as the 1984 Prohibited Organizations Law, which banned the formation of any association or organization based on ethnic or tribal feelings. In fact, ethnic feelings were closely linked to a country's historical identity. He would therefore like to know what steps the Government was taking to promote the nation's historical identity while at the same time repressing ethnic feelings.

76. Concerning implementation of the provisions of article 5 of the Convention, he would like to know whether the right to work was recognized in Ghana's Constitution.

77. Mr. WOLFRUM said he would like the information provided by the Ghanaian delegation about the different linguistic groups to be incorporated in Ghana's next written report. He would also like to have details of the constitutional provisions relating to the incorporation of international instruments into domestic law. He too believed that it would have been useful for the Committee to have had the text of the new Constitution before it.

78. He noted that there were several references in the report to "districts", and asked what the relations were between those districts - which appeared to enjoy a certain degree of autonomy - and the Ghanaian Government.

79. Lastly, he would appreciate it if in its next report Ghana could supply information on any amendments which were to be introduced in Ghanaian legislation.

80. Mr. de GOUTTES inquired whether it might not be possible for the Ghanaian authorities to enact legislation enabling the Convention to be directly invoked in the courts.

81. He noted that the Prohibited Organizations Law banned the formation of any association or organization based on ethnic or tribal feelings, and that the Avoidance of Discrimination Act went further in prohibiting political parties from using a symbol or name which might be identified with any particular community or religious faith. He gathered from the explanations given by the Ghanaian delegation that those provisions would be incorporated in the new legislation: he was not sure that they did not go too far. In that connection, he reminded members that when the Committee had considered the report of Bulgaria in 1991, it had questioned whether efforts to combat racial discrimination ought to extend to banning any party with ethnic connotations even if it had no racist objectives and no intent to discriminate, and had expressed reservations in that regard. He invited the Ghanaian delegation to take that comment into account.

82. In conclusion, he hoped that the observations and suggestions made by members of the Committee would help the Ghanaian authorities to bring the reform of their legislation to a successful conclusion.

83. Mr. LAMPTEY also noted that the report of Ghana was not fully in conformity with the Committee's guidelines, and considered that the whole introductory part of the statement by the Ghanaian delegation should have appeared in a "core" document, which could serve as reference material for all United Nations bodies. He proposed that the Ghanaian delegation should submit such a document, if possible, before his country's next report.

84. It was noteworthy that the Convention had formed part of Ghanaian legislation since 1966, and that Ghana was the second country to have ratified that instrument. Furthermore, Ghana had passed the Avoidance of Discrimination Act in 1957, and the Prohibited Organizations Law in 1984, to give effect to article 4 of the Convention. However, that was not enough. He therefore proposed that the Ghanaian Government should consider, as part of its legislative reforms, the adoption of a new law which would be fully in conformity with the provisions of article 4.

85. He pointed out that a chapter of the new Constitution concerned the Office of the Commissioner on human rights and the administration of justice, and suggested that Ghana should entrust the Commissioner with the task of monitoring implementation of the Convention.

86. Mr. BANTON drew attention to Ghana's long tradition in the field of social research, notably in regard to the collection of data relating to racial discrimination, which should assist it in its campaign against discrimination.

87. The CHAIRMAN invited members of the Committee to transmit their comments and suggestions on the draft final conclusions concerning Costa Rica, Bangladesh and Greece directly to the country rapporteurs for those countries, namely, Mr. de Gouttes, Mr. Yutzis and Mr. Wolfrum respectively, in order to avoid reopening the debate. He hoped that those documents would be adopted by consensus.

The meeting rose at 6 p.m.